



### ABDUCTION PREVENTION

This information concerns the prevention of international parental child abduction. Since the late 1970s, the Office of Overseas Citizens Services in the Department of State has taken action in several thousand cases of international parental child abduction, including wrongful removals of children and wrongful retentions after court-ordered visitation. We also have provided information in response to thousands of additional inquiries pertaining to international child abduction, enforcement of visitation rights, and abduction prevention techniques. Our office works closely with parents and attorneys in the United States to prevent international abductions and the pain and suffering they bring to the victims, both the children and their left-behind parents.

By law, our consular officers overseas do not have the authority to take custody of American children and return them to parents in the United States. Therefore, it is important to prevent an international parental abduction from ever occurring. If you believe your child is a potential victim of international parental abduction, we suggest that you immediately put in place some of the preventative measures available.

If you do not already have a custody order, file the necessary legal papers to obtain one. Enlist the assistance of an attorney for this. If you cannot afford an attorney, you may qualify for reduced legal aid, or may be eligible to seek assistance from a local law school clinic. You should request the court to prohibit the removal of the child from the U.S. and to order the child's other parent to surrender any passports (U.S. or foreign) that may have been obtained for the child. You may also wish to ask the court to limit or restrict unsupervised visitation with the child's other parent.

The Department of State has a long-standing program that provides for parental notification and the denial of a passport to a minor of any age who is the subject of a child custody dispute. The Children's Passport Issuance Alert Program is a service for the parents and legal guardians of minor children. It enables the Department of State's Office of Children's Issues to notify a parent or court ordered legal guardian, when requested, before issuing a U.S. passport for his or her child. The parent, legal guardian, legal representative, or a court of competent jurisdiction must submit a written request for entry of a child's name into the program to the Office of Children's Issues. This service allows the Department to alert the requesting parent if a passport application is received for the child. In order for the Department to deny the passport application, you should send a written request for denial, and a complete copy of a temporary or permanent court order that provides for either: (1) sole legal custody to the requesting parent; (2) joint custody to both parents (which the Department treats as inherently requiring both parents to consent to passport issuance); or (3) a restriction on the child's travel or a requirement of that both parents or the appropriate court give permission to travel. The Department strongly encourages parents who

fear that their child may be abducted to utilize this program:

<http://www.travel.state.gov/cipassportalert.html>

On July 2, 2001, a new regulation governing passport procedures for minors under the age of 14 took effect. This regulation requires that both parents execute a passport application on behalf of a minor under the age of 14; or, if only one parent executes the application, such parent must establish his or her custodial status or the other parent's consent took effect on July 2, 2001. It also provides for exceptions to this requirement in exigent circumstances, such as those involving the health or welfare of a child, or when the Secretary of State determines that the issuance of a passport is warranted by special family circumstances.

Your child may be a citizen of another country as well, and as such could travel abroad on a foreign passport. Issuance of a foreign passport is a matter within the control of the particular country involved, and the U.S. Government has no role in a foreign country's decision to issue a passport to its citizen. Therefore, you may wish to send a certified copy of your custody order to that country's embassy in the U.S. requesting that they too not issue a passport without your permission. However, they are under no obligation to honor your request.

The Hague Convention on the Civil Aspects of International Child Abduction, which has been joined by more than 65 nations including the United States (list of party countries enclosed), offers some relief in an international parental child abduction situation. This Convention attempts to discourage the use of abduction as a means of resolving a custody matter, by requiring (with few exceptions) the abducted child to be returned to the country where it resided prior to the alleged abduction. You should consult with your attorney concerning the advisability of incorporating the precepts of the Convention into any future custody decree to prevent abduction.

Return of a parentally abducted or wrongfully retained child is more difficult in countries that are not party to the Hague Abduction Convention. In fact, in many countries, there is a probability that return will never occur. This is because child custody is a private legal matter between parents, and the U.S. Government has no formal mechanism to effect return of the child. As a general rule, foreign courts are under no obligation to give legal effect to a custody decree issued by a U.S. Court. Therefore, when a child is parentally abducted or wrongfully retained, the left-behind parent must initiate legal proceedings in that foreign country to regain custody of the child. Legal proceedings, however, do not guarantee a judgment in your favor. If you fear that your child could be abducted to a non-Hague Convention country, it is imperative that you take all the preventative measures available.

Please refer to the booklet, "*International Parental Child Abduction*," at [www.travel.state.gov/int'lchildabduction.html](http://www.travel.state.gov/int'lchildabduction.html) for further information on passport issuance prevention, custody orders and the Hague Convention, and for additional prevention information. We hope this information is helpful. If you have further questions, please do not hesitate to contact this office at (202) 736-9130, visit our website at <http://travel.state.gov> or e-mail the Abduction Prevention Unit at [preventabduction@state.gov](mailto:preventabduction@state.gov).